

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROSALIO PENA RUBIO,

Plaintiff,

v.

MICHAEL ASTRUE, Commissioner of the
Social Security Administration,

Defendant.

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Case No. C09-1372-MJP

**ORDER REVERSING AND
REMANDING CASE FOR
FURTHER PROCEEDINGS**

The Court, after careful consideration of the plaintiff's complaint, the parties' briefs, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation. Neither Plaintiff nor Defendant has filed timely objections to the Report and Recommendation.
- (2) The Commissioner's decision is **REVERSED** and the case is **REMANDED** to the Social Security Administration for further proceedings consistent with the Report and Recommendation.
- (3) The Clerk is directed to send copies of this Order to the parties and to Judge Tsuchida.

DATED this 26th day of May, 2010.



Marsha J. Pechman
United States District Judge